



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

February 26, 2019

Via U.S. Mail

Matthew Hoppock
MuckRock News
DEPT MR 64506
411A Highland Ave.
Somerville, MA 02144-2516

Re: FOIA 2018-48380

Mr. Hoppock:

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated August 31, 2018 in which you seek:

- The briefs filed with the Board in the case of *Matter of Bermudez-Cota*, 27 I&N Dec. 441 (BIA 2018)
- Any draft versions of the decision in *Matter of Bermudez-Cota*
- Any memoranda or summaries prepared by BIA staff in the *Matter of Bermudez-Cota*

Responsive documents are enclosed. Portions of the responsive documents have been redacted in accordance with 5 U.S.C. § 552(b)(5) to protect certain intra-agency communications protected by the deliberative process privilege.

Additionally, portions of the responsive documents have been redacted in accordance with 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See*

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

J.R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-48380